PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Joseph G. GATTO

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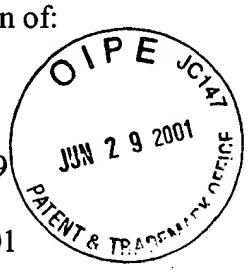

Group Art Unit: 2161

Examiner: *to be assigned*

For: SECURITY ANALYST ESTIMATES PERFORMANCE VIEWING SYSTEM AND METHOD

PETITION TO MAKE SPECIAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a Petition To Make Special for accelerated examination of the above-referenced application. The application is a regular utility application filed February 5, 2001. The petition fee is enclosed. The Commissioner is authorized to charge any further fees or credit any overpayments to Deposit Account No. 50-0311.

This Petition To Make Special is being made under MPEP 708.02 (VIII). In accordance with that section, Applicants hereby request and submit:

A. The present Petition To Make Special with fee.

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B. A set of claims directed to a single invention, as presented in a Preliminary Amendment filed herewith. If the Office determines that the claims presented are not obviously directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.

C. Applicants have caused a pre-examination patentability search to be made. Applicants commissioned a patentability search on June 15, 2001 in the following fields of search:

Class	Subclass
705	10, 26, 35, 36, 38

D. An Information Disclosure Statement is being filed herewith that contains a copy of each reference identified as a result of the pre-examination search. A detailed discussion of the references from the search report is included below.

E. The independent claims of the application are:

1. A method for displaying information relating to one or more analysts' estimates for a selected future event comprising a step of:

displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria and the analyst's estimate for a future event.

2. A system for displaying information relating to one or more analysts' estimates comprising:

a) a database comprising:

information relating to one or more analysts' historical estimates for one or more securities; actual results reported by the security for past events; and information relating to individual analysts' estimates of future events for one or more securities;

and

b) means for displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities and the analyst's estimate of a future event for the one or more securities.

38. A method for displaying information relating to one or more analysts' recommendations for a selected future event comprising a step of:

displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical performance for that analyst based on selected criteria and the analyst's recommendation for a future event.

39. A system of displaying information relating to security analyst's recommendations comprising:

a database comprising:

information relating to individual security analysts' historical recommendations for one or more securities;

actual results reported by the security for past events; and

information relating to individual security analysts' recommendations of future events for a one or more securities;

a display means for displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical performance for an analyst for one or more securities and the analyst's recommendation of a future event for the one or more securities.

51. A method for displaying information relating to security analysts' estimates, the method comprising a step of:

displaying simultaneously, on an analyst by analyst basis, for selected analysts:

an indication of historical accuracy for that analyst for one or more securities;

current estimate of a future event associated with that analyst for the one or more securities; and

model information relating to that analyst.

F. Applicants submit a detailed discussion of the references from the search report as follows:

1. U.S. Patent No. 5,006,998 –

U.S. Patent No. 5,006,998 discloses a computer system having easy input means for consultation. The computer system includes a storage unit for storing an expert's knowledge or expertise in the field of consultation, status of a client asking consultation, reply, intention of the client, processing know-how of the consultation and the progress status of consultation. An advice rule area includes a premise condition area and a reply generation area. Accordingly, a reply is selected and offered in accordance with the status of the client, his intention and the progress status of consultation. (*See* col. 2, lines 23-38). U.S. Patent No. 5,006,998 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 5,006,998 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for

selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

2. U.S. Patent No. 5,132,899 –

U.S. Patent No. 5,132,899 discloses a stock and cash portfolio development system wherein various criteria are applied to three data areas, one of which includes investment performance for investment managers. (*See* abstract). U.S. Patent No. 5,132,899 fails to show, however, at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Further, U.S. Patent No. 5,132,899 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

3. U.S. Patent No. 5,502,637 –

U.S. Patent No. 5,502,637 discloses an investment research delivery system wherein investment research generated by a plurality of brokers (12) is delivered to a plurality of institutional investors (14) through an intermediate host (16). (*See* Fig. 1). U.S. Patent No. 5,502,637 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Moreover, U.S. Patent No. 5,502,637 fails to disclose at least "displaying

simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

4. U.S. Patent No. 5,608,620 –

U.S. Patent No. 5,608,620 discloses a method of compensating individual forecasters by relating their contribution to the accuracy of a collective prediction. This method may result in the eliciting of unbiased forecasts. (*See* Figs. 1-2, and col. 1, lines 22+). U.S. Patent No. 5,608,620 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 5,608,620 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

5. U.S. Patent No. 5,749,077 –

U.S. Patent No. 5,749,077 discloses a method and apparatus by which both skilled and non-skilled personnel may update and access records of investment transactions. As illustrated in Fig. 1, a user may access data (14) using various parameters 16 entered via a user interface (16). U.S. Patent No. 5,749,077 fails to show, however, at least a step of "displaying simultaneously, on an analyst by analyst

basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Moreover, U.S. Patent No. 5,749,077 also fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

6. U.S. Patent No. 5,893,079 –

U.S. Patent No. 5,893,079 discloses a system for receiving, processing, creating, storing, and disseminating investment information. Features disclosed include the provision of: a system that permits real-time, rule-based compliance review in order to determine that a proposed transaction will not violate predetermined rules; a system which facilitates rapid portfolio review; a system which allows for rapid access to information to be employed in managing a mutual fund or any collection of securities; a system which delivers timely, accurate investment data to desktop computers in a user friendly way; a system wherein a plurality of users may access investment data simultaneously; a system which will permit the rapid and accurate computerized processing of large volumes of investment data, such as that involved in mutual fund transactions and portfolio management; and a system which will permit investment sale, purchase and other transactions to be consummated in a rapid manner which reduces or eliminates the need for paper transaction tickets. (*See* col. 2, line 10 – col. 3, line 36). Despite these various features, U.S. Patent No. 5,893,079 fails to show at least a step of "displaying simultaneously, on an analyst by

analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Further, U.S. Patent No. 5,893,079 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

7. U.S. Patent No. 5,918,217 –

U.S. Patent No. 5,918,217 discloses a user interface for a financial advisory system. As illustrated in, for example, Figs. 4, 9, and 10, users may interactively explore how changes in one or more input decisions affect one or more output values. In this manner, users can focus on relevant decisions that can be made to reach one or more future financial goals and the effects of modifying one or more of the decisions. U.S. Patent No. 5,918,217 fails to show, however, at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 5,918,217 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

8. U.S. Patent No. 5,948,054 –

U.S. Patent No. 5,948,054 discloses a method and system for facilitating the exchange of information between human users in a networked computer system. One or more customers may send an information request to a server (105). In response, the server (105) may make a determination as to which one or ones of a group of consultants is most qualified to provide the requested information. The server then solicits the requested information from the consultant and sends the information to the customer. (*See* Fig. 1). U.S. Patent No. 5,948,054 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Moreover, U.S. Patent No. 5,948,054 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

9. U.S. Patent No. 5,950,176 –

U.S. Patent No. 5,950,176 discloses an invention wherein a server computer (14) receives buy and sell orders for derivative financial instruments from a plurality of client computers (12). The server computer matches the buy orders to the sell orders and then generates a market price through the use of a virtual specialist program executed by the server computer. (*See* Abstract, Fig. 1). The invention further includes a pricing/trading program (*see* col. 6, line 55), a generate market price

program (*see* col. 7, line 6), a virtual specialist program (*see* col. 7, line 65), and a stop trading program (*see* col. 8, line 55). U.S. Patent No. 5,950,176 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 5,950,176 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

10. U.S. Patent No. 6,012,042 –

U.S. Patent No. 6,012,042 discloses a security analysis system wherein historical securities data under both a technical and fundamental methodology may be simultaneously and meaningfully combined into a coherent format. (*See* col. 2, lines 63-67).

The historical data, as disclosed, does not relate to analysts' predictions. Rather, as recited in col. 3, lines 45-58, "...the computer system of the presently claimed invention manipulates historical data on a security, a plurality of securities, families of securities, etc. in an effort to gain insight as to the future performance of those stocks or securities. Whereas some portions of the historical data lend themselves well to time-based analysis, e.g., a series of daily prices and trade volumes, and a chart may be created to illustrate these sequential events, other portions of the historical data are not so regularly arranged i.e., are not so time-relevant. For example,

some corporate historical information about a security or whole families of securities may be found in that corporation's quarterly and/or annual reports, published quarterly, annually or more infrequently." Accordingly, U.S. Patent No. 6,012,042 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Further, U.S. Patent No. 6,012,042 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

11. U.S. Patent No. 6,012,043 –

U.S. Patent No. 6,012,043 discloses a computerized system and method used in financial planning, wherein a customer's preferences are taken into account when determining various financial scenarios for the customer, and from these selects the scenarios likely to contain useful information for the customer to be presented in a report. In particular, embodiments of the invention disclosed are directed toward retirement planning. (*See* col. 4, lines 37+). U.S. Patent No. 6,012,043 fails to show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Moreover, U.S. Patent No. 6,012,043 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for

selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

12. U.S. Patent No. 6,021,397 –

U.S. Patent No. 6,021,397 discloses a financial advisory system. As recited in col. 5, lines 50+, a user may "...provide information regarding risk preferences, savings preferences, current age, gender, income, expected income growth, current account balances, current financial product holdings, current savings rate, retirement age goal, retirement income goals, available financial products, intermediate and long-term goals, constraints on fund holdings, liabilities, expected contributions, state and federal tax bracket (marginal and average). The user may provide information for themselves and each profiled person in their household. This information may be saved in one or more files in the financial advisory system 100, preferably on one of the servers to allow ongoing plan monitoring to be performed. In other embodiments of the present invention additional information may be provided by the user, for example, estimates of future social security benefits or anticipated inheritances. Based on the user's current holdings the system may forecast a retirement income and graphically depict the current portfolio's projected growth and range of possible values over time. The system may also provide the user with statistics regarding the likelihood that they will be able to retire when they would like, given the projected returns on the user's current portfolio based upon the data input by the user, including the user's current savings rate, retirement age goal, and investment holdings." U.S.

Patent No. 6,021,397 fails to show, however, at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 6,021,397 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

13. U.S. Patent No. 6,064,986 –

U.S. Patent No. 6,064,986 discloses a computer assisted and/or implemented process and architecture for customer account creation, maintenance and administration for an investment and/or retirement program. (*See* Abstract). U.S. Patent No. 6,064,986 does not show at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Further, U.S. Patent No. 6,064,986 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

14. U.S. Patent No. 6,125,355 –

U.S. Patent No. 6,125,355 discloses a pricing module for a financial advisory system wherein a single module models both fixed-income securities and equity

securities into the future in an arbitrage-free model. U.S. Patent No. 6,125,355 fails to disclose at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. Moreover, U.S. Patent No. 6,125,355 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

15. U.S. Patent No. 6,154,732 –

U.S. Patent No. 6,154,732 discloses a system for providing investment advice and management of pension assets. An investment program (10) (see FIG. 1) is disclosed which includes systems and methods for providing professional asset allocation advice services (12) to individual participants (14) in Benefit Plans for allocating their account balances in a Trust(s) (20, 22, 24, 26) specifically tailored to their individual risk tolerances and retirement funding needs. The systems and methods of the invention provide individual plan participants (14) with advice while taking into account the individual plan participant's risk tolerances so that each individual plan participant will likely hold the recommended Trust (investment) during the inevitable downturns in the market and, in fact, the Trusts will be professionally managed to exploit opportunities in a down market that most individual plan participants would not or could not exploit. (*See* col. 3, lines 20-54) U.S. Patent No. 6,154,732 fails to show at least a step of "displaying simultaneously, on an analyst

by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria..." as recited in claims 1 and 38. In addition, U.S. Patent No. 6,154,732 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities..." as recited in claims 2, 39, and 51.

16. U.S. Patent No. 6,236,980 B1 –

U.S. Patent No. 6,236,980 B1 discloses a reporting system wherein a computer apparatus may be used to generate displays or reports containing investment security or element recommendations. The system, as illustrated in Fig. 6, appears to be capable of displaying target data (161) projected from a recommendation source (130). Additionally, the system appears to be capable of displaying performance statistics for a particular recommendation source over a period of time (*see* Fig. 8b).

However, U.S. Patent No. 6,236,980 B1 fails to disclose at least a step of "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for that analyst based on selected criteria and the analyst's estimate (or recommendation) for a future event" as recited in claims 1 and 38. Further, U.S. Patent No. 6,236,980 B1 fails to disclose at least "displaying simultaneously, on an analyst by analyst basis, for selected analysts, an indication of historical accuracy for an analyst for one or more securities and the analyst's estimate (or recommendation) for a future event for the one or more securities" as recited in claims 2, 39, and 51.

CONCLUSION

On the basis of the foregoing, the Applicants respectfully request the granting of this Petition To Make Special so that the application will be taken up promptly, and respectfully solicit favorable examination at that time.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC

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